

SENATE BILL No. 173

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-30-6-7.

Synopsis: Nuisance actions. Requires a court to award reasonable costs and attorney's fees to an agricultural or industrial operation that successfully defends a nuisance action.

Effective: July 1, 2007.

Jackman

January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 173

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 32-30-6-7, AS AMENDED BY P.L.82-2005,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 7. (a) An action to abate or enjoin a nuisance may
4 be brought by any person whose:
5 (1) property is injuriously affected; or
6 (2) personal enjoyment is lessened;
7 by the nuisance.
8 (b) A civil action to abate or enjoin a nuisance may also be brought
9 by:
10 (1) an attorney representing the county in which a nuisance exists;
11 or
12 (2) the attorney of any city or town in which a nuisance exists.
13 (c) A county, city, or town that brings a successful action under this
14 section (or IC 34-1-52-2 or IC 34-19-1-2 before their repeal) to abate
15 or enjoin a nuisance caused by the unlawful dumping of solid waste is
16 entitled to recover reasonable attorney's fees incurred in bringing the
17 action.



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1 (d) A court shall award:
2 (1) a forestry operation;
3 (2) an agricultural operation; or
4 (3) an industrial operation;
5 that successfully defends an action under this section is ~~entitled to~~
6 reasonable costs and attorney's fees incurred in defending the action.

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